

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY ROSCHIVAL,

CIVIL ACTION NO.

Plaintiff,

HON.

v

MELANY GAVULIC,

Defendant.

LAW OFFICE OF GLEN N. LENHOFF
BY: GLEN N. LENHOFF (P32610)
MICHAEL E. FREIFELD (P48198)
328 South Saginaw Street
8th Floor, North Building
Flint, Michigan 48502
(810) 235-5660

COMPLAINT AND JURY DEMAND

A civil action between arising out of the same transaction or occurrence alleged in this Complaint has been previously filed in Genesee County Circuit Court. The action remains pending. The docket number is 14-104003-CL. The judge assigned to the action is the Honorable Joseph J. Farah.

PARTIES AND JURISDICTION

NOW COMES Plaintiff, Nancy Roschival, by and through her attorney, the Law Office of Glen N. Lenhoff, and hereby complains of Defendant, Melany Gavulic, as follows.

1. Plaintiff, Nancy Roschival (hereinafter Plaintiff), is a resident of the County of Genesee, State of Michigan.
2. Defendant, Melany Gavulic (hereinafter "Defendant"), is a resident of the State of Michigan within the Eastern Judicial District of Michigan.

3. Defendant was the Chief Executive Officer (CEO) of Hurley Medical Center at all times pertinent to this lawsuit. Defendant is being sued in this case in her individual capacity.

4. In light of the foregoing, venue is proper in the United States District Court for the Eastern District of Michigan under 28 USC §1392(c).

5. This Court has subject matter jurisdiction over this case based on federal question jurisdiction codified in 28 USC §1331, as well as 42 USC §1343 because this is a 42 USC §1983 case.

GENERAL ALLEGATIONS

6. Plaintiff is a Caucasian female.

7. In February 1995, Plaintiff became employed full-time with Hurley Medical Center.

8. In November 2013, Plaintiff was in the position of Human Resource Coordinator I, which was an exempt classified services position with Hurley Medical Center. Plaintiff remained in this position until her discharge in August 2014.

9. Plaintiff, at all times pertinent hereto, was qualified for said position of Human Resource Coordinator I.

10. Plaintiff performed the said position in a diligent and skillful manner.

11. On July 31, 2014, Plaintiff was informed that her position was being eliminated by Defendant.

12. With respect to said alleged "lay-off", Defendant failed to follow the policies and procedures concerning lay-offs outlined in Hurley Medical Center Exempt Employee Handbook which Defendant was required to follow.

13. According to Hurley Medical Center's Exempt Employee Handbook, which Defendant was required to abide by and follow, Plaintiff's African-American co-worker, Jamal Dozier, should have been laid-off.

14. Plaintiff was terminated by Defendant on August 14, 2014.

15. A substantial causative factor in Defendant's decision to discharge Plaintiff was Plaintiff's race.

16. Plaintiff has suffered economic loss and emotional distress damages as a result of her termination.

**COUNT I. 42 USC §1983 CLAIM AGAINST DEFENDANT
WITH RESPECT TO PLAINTIFF'S TERMINATION**

17. Plaintiff hereby realleges and incorporates by reference the preceding paragraphs.

18. Defendant acted under color of law with respect to Plaintiff's termination.

19. Defendant terminated Plaintiff in substantial part because of Plaintiff's race.

20. Thus, Defendant violated Plaintiffs' rights under the equal protection clause of the United States Constitution.

21. Therefore, Plaintiff asserts a 42 USC §1983 racial discrimination claim against Defendant.

WHEREFORE, Plaintiff prays for Judgment against Defendant for damages in such sum as the Jury deems just, together with costs and interest. The said damages should include all damages allowed by law, including compensatory damages, punitive damages and attorney fees under 42 USC §1988.

RELIANCE UPON JURY DEMAND

Plaintiff hereby demands a jury under Rule 38 of the Federal Rules of Civil Procedure.

s/Glen N. Lenhoff
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